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8 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 ELICIA KNEADLER,

11 Plaintiff,

12 v.

13 AUBURN SCHOOL DISTRICT,

14 Defendant.  
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CASE NO. C20-1008 MJP

ORDER DENYING DEFENDANT'S  
MOTION FOR SANCTIONS

16 This matter comes before the Court on Defendant's Motion for Sanctions. (Dkt. No. 25.)  
17 Having reviewed the Motion, Plaintiff's Opposition (Dkt. No. 31), the Reply (Dkt. No. 33) and  
18 all supporting materials, the Court DENIES the Motion for Sanctions.

19 **BACKGROUND**

20 Defendant claims that Plaintiff and her counsel left Plaintiff's deposition prematurely and  
21 seeks an order requiring Plaintiff to sit for an additional three hours. Defendant also asks the  
22 court to admonish Plaintiff's counsel for terminating the deposition. Plaintiff disputes the  
23 premise of the Motion. Plaintiff points out that Defendant scheduled the deposition to start at  
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1 10:00 AM and end at 5:00 PM on Friday July 30, 2021 and that Plaintiff accommodated  
2 Defendant by allowing it to run to 5:30. Plaintiff asserts that due to her own medical conditions  
3 and counsel's need to provide care to her partner with stage four cancer, they could not continue  
4 the deposition past 5:30. Plaintiff and her counsel also aver that they offered to be available for a  
5 continued deposition on Monday August 2, 2021. Defendant did not accept this proposal and  
6 insists that it always sought to have a full 7-hour deposition. And citing the August 2, 2021  
7 discovery cutoff and counsel's limited availability on August 2, Defendant rejected the August 2,  
8 2021 proposal. Defendant proposed to continue the deposition over the weekend, which Plaintiff  
9 rejected. Defendant then filed this motion.

#### 10 ANALYSIS

11 The Court finds no basis on which to sanction Plaintiff or her counsel. While Rule  
12 30(d)(2) permits depositions to last for seven hours, Defendant has only itself to blame for not  
13 making use of all seven hours. Defendant knew that Plaintiff was not available until 10:00 AM  
14 on the day of the deposition and the calendar invitation for the deposition clearly stated that it  
15 would terminate at 5:00 PM. While Defendant points to correspondence suggesting it wanted a  
16 "full day" deposition, it points to no evidence that it took any steps to ensure that Plaintiff and  
17 her counsel would actually be available after 5:00 PM. Defendant also rejected Plaintiff's  
18 reasonable proposal to continue the deposition to the next business day, which would have  
19 accommodated both Plaintiff and her counsel's significant medical-related needs. Even if this  
20 day was not convenient to defense counsel, Plaintiff's offer demonstrated her willingness to  
21 provide the discovery sought. And the Court would have seriously entertained a request to  
22 briefly extend the case schedule to accommodate the continued deposition had Defendant sought  
23 guidance from the Court. Instead of picking up the phone (see Local Rule 7(i)), Defendant took  
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1 pen to paper to seek sanctions on a record that showcases Defendant's failure to plan ahead and  
2 refusal to act reasonably. Sanctions are inappropriate given this record.

3 That said, the Court holds Plaintiff at her word that she will sit for a continued deposition  
4 to provide Defendant with a full seven hours on the record. The Parties must work together to  
5 schedule the deposition and agree on all necessary arrangements. The Court reminds both parties  
6 that they must work cooperatively and creatively to move this case forward and avoid engaging  
7 in petty disputes that could easily be resolved by clear thinking or with minimal assistance of the  
8 Court. Subject to this caveat, the Court DENIES the Motion.

9 The clerk is ordered to provide copies of this order to all counsel.

10 Dated September 23, 2021.

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12 Marsha J. Pechman  
13 United States Senior District Judge  
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